

\$2.1 trillion to the national debt, which, with cumulative deficits between 2002 and 2011, will come to \$2.1 trillion.

Here in one chart, very graphic, is why we are concerned. Now we are living in this sweet spot. Those are the peak years of the baby boomers when they are doing better and paying into the Social Security and building up a surplus, for now. As this chart shows graphically with these red bars here below the line, in 2017 that gravy train comes to a halt. Social Security goes cash negative, and it is that that we should be getting ready for right now. We are doing just the contrary of what we should be doing to prepare for those years when the baby boomers will be retiring.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for contributing to the Special Order.

#### UNFAIR DELAY IN CONFIRMING APPOINTMENT FOR MR. MIGUEL ESTRADA

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, it is an honor to be here in this wonderful Chamber to discuss what I think is a rather puzzling situation that has taken over our government, our legislative branch of the government, and in particular, the legislative branch on the other side of the Rotunda.

We have seen that a number of people have tried to do anything and everything to avoid, to stop a brilliant young attorney who has been nominated by the President of the United States to be on the Appellate Court for the District of Columbia.

I say he is a brilliant young attorney because everybody has had to recognize his brilliance. Those that have worked with him have had to recognize his brilliance. He has worked not only as a prosecutor from the great State of New York; he has also worked in the office of the Solicitor General with two administrations, a Republican administration and also a Democrat administration.

All the people who have worked with him from both parties in both administrations have publicly recognized the brilliance, the decency, the integrity of this brilliant young attorney; a man who got here to the United States at age 17, Mr. Speaker, barely speaking English, and he got here and worked and studied, and was able to graduate with honors just a few years later from that most prestigious university, Columbia University; with honors, I repeat.

Then he went on to study law, but not just in any law school, in Harvard Law School, probably, I guess, among

the most prestigious law schools in the entire country; I would rather say in the entire world.

He also graduated from that university, that law school, with honors. While he was studying, he was also the editor of the law journal there, the law review in that prestigious law school. He graduated with honors and went on to become a prosecutor in the State of New York. That was after he was prosecutor, I am sorry. He went on to work with the Solicitor General's office under President George Bush, Senior; and then he also worked for President Clinton's administration in the Office of the Solicitor General; an incredible, impeccable record.

I am trying to see if I can get some of my colleagues here to maybe try to explain to me what is going on here. Why is it that this brilliant young man, this brilliant Hispanic lawyer, is being treated differently than others who have had similar records, similar experiences, who have gone on to become judges and have not received the obstacles, have not been attacked the way Mr. Miguel Estrada is being attacked today? And this attack has been going on now for a long, long time.

I brought just a calendar to kind of let us know how long it has been. It has been almost 2 years, 2 years since this young brilliant, talented, effective man of integrity has been held hostage. As we see here, not only has Miguel Estrada been held hostage, but diversity in our court system has been held hostage.

□ 1930

I just do not get it. I see here the gentleman from Florida (Mr. FEENEY).

I do not know if the gentleman has an explanation as to why it is that the minority party in the other Chamber insists on not letting this man even come up for a vote, to the point where they are using all sorts of procedural matters to not permit this man to even have the opportunity for his nomination to be voted up or down.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would request Members refrain from improper references to the Senate.

Mr. FEENEY. Mr. Speaker, I thank my dear friend from South Florida and, indeed, a colleague in the Florida legislature, a mentor, advisor, and a dear friend of mine for many years. And I want to congratulate the gentleman for his leadership, because as long as I have known the gentleman from South Florida (Mr. MARIO DIAZ-BALART) when he sees wrongdoing going on, he speaks out and he does so with a passion and a fervor.

The gentleman understands the difference between freedom and oppression because of his background on the Communist state of Cuba and the freedom he enjoys and fights for every day and hour of his waking life here in America. And I want to thank the gentleman for being such a great friend

not just of mine but, more importantly, to freedom.

The gentleman has asked me to explain the inexplicable: why a man like this would be held hostage; why diversity would be held hostage by his critics; he has asked me to explain why somebody with incredible merits, impeccable academic background, incredible moral background, a hard-working gentleman who came to America as a 17-year-old and has led and proven the American dream.

The gentleman has asked me to explain why enormous integrity is actually held against an applicant for the United States Federal bench, and I cannot explain the inexplicable even though I am a politician, while there will be some politicians that will try. Being punished for having all the enormous merit that Miguel Estrada has is something that I find very personally offensive. I think it is offensive to the American way. I think it is offensive to the entire notion of an independent judiciary.

And I will state for those of the American public that are watching tonight, maybe they do not understand all the details of what it takes to succeed and get to the Federal bench. I want to boil it down.

I am a former practicing attorney in business in the real estate field. I want to boil it down so I think that normal people, people that really are not politicians or lawyers, can understand. There are really two basic qualifications, I think every American would agree with this, in order to get appointed to and succeed on the Federal bench:

Number one, you need to be fit. You need to be fit morally. You need to be fit intelligently. You need to be fit academically.

Number two, you need to adhere to the United States Constitution and to the rules of law.

I would suggest to my great friend that the sin that Miguel Estrada is being accused of is that he is enormously well fit and he is enormously dedicated to adherence to the Constitution and the rule of law. And that bothers some people because they want to pull it aside. They want to twist the Constitution. They want to rewrite the Constitution.

I will tell you that one of the things that the gentleman is being held up for is because when he was asked specifically how he would rule on specific cases that might come before him as a United States Supreme Court Justice, he said that he would have to decline to say specifically, because the entire notion of an independent bench is not to make promises.

It is not like the political world that we live here in the Congress. It is not like the executive branch. In the executive branch and the legislative branches we share our biases with the voting public. We say we are for this and we are against that. People get to vote in a representative democracy in

favor of one candidate against another because of their political biases. But on the bench you are supposed to put your political biases away and you are supposed to adhere to the Constitution and adhere to the rule of law. That is what offended political activists who want to take over the judiciary and use it in a way to take over the representative government. In my view, that is the fundamental reason why Miguel Estrada has been torpedoed.

But he has another sin. The fact that he is, as the gentleman understands, a great colleague of mine, he represents a great district in south Florida, both east and west coast. The notion that this is a gentleman with an ethnic background that is not white, Caucasian like me, but that comes from a wonderful part of our American society, but he does not adhere to the liberal big-government notion of rewriting the Constitution in some people's minds disqualifies him from serving on a bench that they want to turn into a political operation.

And by the way, the wonderful thing about the arguments that we are able to make, and our colleagues on behalf of the Miguel Estrada nomination, is that no individual critic of his has come forward with a specific sin. They admit that he was one of the brightest students, actually the brightest student, magna cum laude, editor of the Law Review at Harvard Law School, as the gentleman pointed out. He has the intellectual IQ. They have admitted that he has incredible integrity. There is no question about the gentleman's integrity. He has fantastic integrity.

They have admitted that he has got a great background, that he has worked hard, that he has lived the American dream. Their problem is that they cannot point to one flaw in this man's character, his capability, his academic career, his working career. And so as a sort of camouflage for why they are really opposed to Miguel Estrada's nomination to the Federal bench they say this; and, by the way, as the gentleman knows, he would be the first Hispanic American ever on this appeals court that he has been nominated to. They say little things like he has not disclosed secret advice in a legal memorandum to his client.

Now, I can state that while I was a business and real estate lawyer, that if we are going to force every applicant to the Federal bench to disclose secret memorandums and advice to their clients, a couple things will happen: Number one, nobody who has ever written candid advice to their clients in the public or private sector will ever apply to the bench. We will disqualify all the best lawyers in the country, because the truth of the matter is that the obligation of an attorney is to zealously advocate for their client and give them candid, secret, private advice. The attorney/client privilege is critical because if you do not have it, your lawyer will not tell you the truth about what you need to do to protect yourself.

There is a second application here in terms of undermining the attorney/client privilege, and that is that people in government will not get the best advice that is available. If lawyers who work for the government know that everything they say to their clients one day will remain public, then the President, individual Members of Congress, and others will know every day that their lawyers are not going to tell the truth to them. What their lawyers are going to prepare is documents prepared later for a publication so that the whole world will see exactly what their advice to their clients was. This will undermine the entire legal system in my view, and, in all candor, anybody who has ever been subject to a traffic ticket, some sort of criminal problem; who has had a civil litigation matter, if they can imagine; a divorce, for example, as my colleague may know some people, we dealt with some divorce law in Florida.

Imagine going through a divorce and as a spouse fighting over a child's custody, fighting over issues of whether or not you will be able to get enough alimony to support your children. Imagine if everything your lawyer tells you or writes to you is going to be published in the New York Times and the rest of the journals throughout the world tomorrow, imagine how candid and honest and decent your lawyer is going to be with you. He is not.

Mr. MARIO DIAZ-BALART. Mr. Speaker, may I ask a question on that note? If I may, there is a letter that has been, that we have all seen, that is signed by every living former Solicitor General, some of them are Republicans, some of them are Democrats, stating exactly what the gentleman has just said; how that would be devastating for the country in that office's ability to represent the U.S. before the United States Supreme Court.

So, again, the gentleman is stating some pretty obvious, I think, common-sense reasons as to why that should not be released.

Number two is that every Solicitor General, former Solicitor General of both parties, so this is bipartisan, this is a bipartisan statement, in writing have said exactly what the gentleman has just said: that that information cannot be released.

But I have to admit to the honorable gentleman from Florida that the part that has me more preoccupied, more worried, is that if that is the standards that some people want to use as to why certain nominees for judge should be disqualified, then it may be wrong. It clearly is because every living Solicitor General of both parties has stated it in writing. If that is the standard, there is an argument. What really worries me is the double standard that is being applied to Mr. Estrada.

There have been seven judges that have come out of the Office of Solicitor General. Seven judges. And not once have those documents been requested of those individuals. Not once was that

deemed to be necessary. Not once was that deemed to be essential. And clearly never was that used as a something to block the nomination of seven other people who have come from the same office. So why the double standard? Why the double standard on this brilliant Hispanic lawyer who, as the gentleman stated so eloquently, there is nothing in his record other than talents, discipline, hard work, decency, integrity. Why the double standard when there are seven other people who have passed this process and those documents were never asked of them, and now that is being used as an excuse for this one individual. That is what really worries me.

And I do not know if the honorable distinguished gentleman from Florida (Mr. FEENEY) has any comments on that, because I really am worried about that.

Mr. FEENEY. Well, I have some sure thought, and then I know the gentleman has some other Members here that are really passionate about how offensive it is about what is happening to Miguel Estrada. But I will tell you this: There is a double standard. Miguel Estrada would be the first Hispanic ever on this bench. He is a Solicitor General not in just the Republican administration, but he worked for President Clinton's administration. He got high marks everywhere he worked.

The problem is this. The critics of Miguel Estrada do not want a vote. They do not want a debate over his talents, his capabilities, his integrity, his morals, his academic achievements; and they especially do not want to discuss the fact that this wonderful gentleman came here as a 17-year-old, lived the American dream, and now is an outstanding American statesman. They cannot vote against a man if they have to live with a description of his incredible achievements.

So what the critics are using is all sorts of excuses. And as the gentleman points out, they have never ever once demanded that any of the nominees in the past live up to the technical requirements that they are trying to place on him. The double standard the gentleman speaks about, in my view, is because Mr. Estrada is a lesson to Americans that you do not have to think, just because you are a Hispanic American, in a one-little-box mentality. You do not have to be a liberal activist. You do not have to promise to undermine and rewrite the original intents of the United States Constitution. And the lesson that the liberal critics want to teach not just Mr. Estrada, but everybody else, that they are going to crush you if you believe that the Founding Fathers wrote what they meant, meant what they said. And we are especially going to crush you if you come from some minority background or if you are a woman, for example, because they never, never want to have a day in America where people, regardless of their ethnic background or their gender or their race or their

religion, can actually think outside a small liberal box.

And I want to tell the gentleman once again that for as long as I have known him, he has been a freedom fighter. When he sees wrong going on, he leads the fight to basically stand up for decency, for values, for the American way. I am a huge fan of the gentleman from south Florida and I believe, as I know he does, that if we just let the American people know that there is a crime being committed in public against Miguel Estrada, that two things will happen: Number one, he eventually, despite, despite this ugly episode led by his opponents attacking him in a surreptitious way because they cannot do it directly, he has no flaws in his background; despite that, he will end up on the Federal bench.

□ 1945

Secondly, the wonderful news is that free thinkers throughout America, regardless of whether they are women or what their religion is or what their ethnic background is, will be sent the message they do not have to pander to the liberal left wing special interest groups; they can be true to the United States Constitution; they can still make it as a Federal judge. That is a great message.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from Florida for that very clear explanation, crystal clear explanation as to what some of the problems that we are seeing with this move to use all sorts of procedural maneuvers to try to block, torpedo the nomination of Mr. Miguel Estrada; and again, it is hard to believe that this is actually happening in this day and age.

We have talked about, as the honorable gentleman from Florida talked about, the double standard; and it is not just one double standard that is being applied to Mr. Estrada. It is multiple double standards; and it is multiple double standards, and some of the people that are actually speaking these words and opposing Mr. Estrada's nomination are on record in the past saying just the opposite. Why? Why all of the sudden, when it is this person, again, the first Hispanic American ever to be nominated to this most prestigious court, why is it that now there is this double standard?

There are people who have said, for example, that the gold seal to determine if one is so qualified or not is the ABA's rating; and yet Mr. Estrada has been rated as the highest-qualified person that that organization rates anybody. And yet all of the sudden, for Miguel Estrada, that is not good enough, and it seems to me a very sad day when people who just a few months ago said something totally different are now backtracking on their own words, reversing what they said. Were they not saying what they meant then, or are they not saying what they mean now? Were they deceiving the people then or are they deceiving the people

now? It is a very, very sad state of affairs.

I am honored to have the gentleman from the State of Colorado here join us today; and I would, Mr. Speaker, like to yield some of my time to the honorable gentleman from Colorado.

Mr. BEAUPREZ. Mr. Speaker, I thank the gentleman from Florida; and Mr. Speaker, I would like to address this subject very directly.

The gentleman from Florida just mentioned moments ago the rating from the American Bar Association, the American Bar Association, as well qualified for Miguel Estrada to serve on the Federal bench. That rating, I might remind the Speaker, and I doubt that I need to remind the gentleman from Florida, they not only granted that rating of well qualified, the highest rating, they unanimously granted a well-qualified rating for Miguel Estrada to serve on the Federal bench.

I would like to tell a very personal story that I just last week experienced about Miguel Estrada. Many of us were back in our districts last week. Many of us had neighborhood meetings, town meetings, meetings with constituents. I did the same; and at every meeting I went to, every meeting, certainly questions came up about the possibility of war in the Middle East and people are concerned about that and about the economy. Amazing to me, amazing to me was that people, average people, normal folks that are concerned about their everyday living know who Miguel Estrada is; and they understand clearly that an injustice is being done, Mr. Speaker. An injustice is being done to this fine American.

How fine of an American is he? The gentleman from Florida explained very well. He comes here as an immigrant, barely speaks the language. He not only graduates from the university, he graduates with honors, magna cum laude from Columbia College in New York, from Harvard Law School, edits the Harvard Law Review, not exactly your average fraternity newsletter. He is not only well qualified. He is eminently qualified.

He served on the U.S. court of appeals as a law clerk. He served as a clerk in the Supreme Court for Justice Kennedy. He served as the Assistant U.S. Attorney and deputy chief of the appellate section of the U.S. Attorney's office of the Southern District of New York where he argued appeals cases before the second circuit court. He served as the Assistant Solicitor General of the United States, as the gentleman from Florida already pointed out, for two Presidents' administrations, President Clinton and President Bush 41. Still he has opponents. Why?

In my town meetings, again, my constituents, average Americans, they had it figured out. I asked them what do they think this is about. They said it is about politics. It is about politics. I understand that if they are talking about me. I expect the gentleman from Florida (Mr. MARIO DIAZ-BALART) under-

stands that if they were talking about him. We are, after all, politicians.

Mr. Estrada aspires to be a judge, a judge; and in the very definition of judge, the word "judgment," that is what we expect him to do is exercise good, balanced, educated, unbiased judgment over the laws that our colleagues will pass in this Chamber, that have been passed in this Chamber by politicians, legislators before us.

The folks back home understand that Mr. Estrada, who wants to be a judge, is being subjected to the judgment that is typically reserved for politicians. That is the injustice. That is the injustice that is being perpetrated on a good American, an American that has achieved the American dream; that has passed all standards; that has been nominated by a President; that deserves a fair hearing and is not getting one.

Mr. Estrada, some of his opponents say he has never been a judge. How can one who has never been a judge be a judge? Well, to the average observer, perhaps that makes sense. Should he not be a judge first? Amazingly enough, I find that five of eight judges currently serving on this current D.C. circuit court, five of the eight had no previous experience as judges before they were nominated and confirmed, including two of President Clinton's appointees.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, let me, if I may interrupt the gentleman from Colorado. Let me see if I understand what the gentleman just said because that is a key point there.

Some of them who are objecting to him are saying that because he has not been a judge before, that alone disqualifies him? Just that fact alone disqualifies Mr. Miguel Estrada?

Mr. BEAUPREZ. Correct.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, but what the gentleman has just expressed right now, and I want to make sure this is clear because this almost sounds funny, the gentleman is saying that in the same court where Mr. Miguel Estrada has been nominated to sit, right now there are five judges that, before they were there, they had never been judges before, and is the gentleman telling me that there was no objection on that basis to those judges?

Mr. BEAUPREZ. They were nominated, they were confirmed, they serve on the court. It gets better.

Mr. MARIO DIAZ-BALART of Florida. Please proceed.

Mr. BEAUPREZ. Mr. Speaker, it gets better. On the Supreme Court of the United States, two recent Supreme Court Justices, names that are certainly familiar to me, I expect familiar to most Americans, Byron White, Wizard White from my State, Colorado. Byron White was nominated by President Kennedy, confirmed by the Senate, served with distinction on the Supreme Court, never was a judge prior to being nominated to the highest court

in the land, not just a Federal judgeship, the highest court in the land, the Supreme Court.

William Rehnquist, currently the Chief Justice, of course, no prior judicial experience before being appointed to the Supreme Court.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman from Colorado for his comments.

Those are disturbing facts. Those are very disturbing facts because if the litmus test, as some are saying for Mr. Estrada, is that he has never been a judge, how is it possible that there are others on that same court, today, right now, as we speak, and of course, as you just mentioned, sir, the Chief Justice of the Supreme Court of the United States right now, they had never been judges, and yet those same individuals that are now saying that that is the reason why Mr. Estrada cannot be a judge, those same individuals did not object to these other fine public servants on the court?

Mr. BEAUPREZ. Mr. Speaker, if the gentleman would yield.

Mr. MARIO DIAZ-BALART of Florida. Please. I am having a very difficult time understanding this.

Mr. BEAUPREZ. Mr. Speaker, I shared some of this same information again with my constituents back home. They said, are his opponents grasping for straws? I said, well, one might conclude. Allow me, allow me to pursue the possibility, I think a reasonable possibility, that this is really about politics.

What we are looking for is a judge, someone who can exercise judgment; again, one who is fair and balanced; one who can be praised and acknowledged and accepted by both people of a more liberal as well as a more conservative political bias, people who are still going to accept one who carries the title of judge, the distinguished title of judge, carries that title, carries it well and that people of all different perspectives are going to recognize their skill, their talent, their fairness, such as Ron Clay, former Vice President Gore's chief of staff.

A Democrat, Vice President's former chief of staff, said this about the same Miguel Estrada: "Miguel is a person of outstanding character, tremendous intellect and with a deep commitment to the faithful application of precedent." That is what judges do. "Miguel will rule justly toward all without showing favor to any group or individual."

I cannot think of a stronger mission statement, a stronger definition, a stronger statement about the credentials that I would hope all judges could pass before being appointed, nominated, confirmed to a judgeship as important as the U.S. Court of Appeals for the District of Columbia; and I certainly hope, it is my belief, it is my prayer, that a true American hero, these are the kind of stories, these are the kind of individuals we in this body ought to be about raising up as a standard of excellence, something for our

young people, for all Americans, for all citizens of the world to look at and say that is what is America. That is the best of America. That is what America is for. And yet this poor man is being persecuted, not praised and not elevated.

I thank the gentleman from Florida for the time, and I thank him for what he is doing to advance the cause of this fine American.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I want to thank the gentleman from Colorado for really shedding some light, and I had a friend who used to say do not let the facts confuse the issue, and there are some people that do not want to let the facts confuse the issue.

The honorable gentleman from Colorado just brought some impressive facts. He talked about Miguel Estrada's qualifications. Yes, he would be the first Hispanic to sit on this court; but let me tell my colleagues, I am of Hispanic descent, and I am very proud of that, but I am not supporting Miguel Estrada merely because he is Hispanic. I am supporting him because of his talents, because of his integrity, because of his record, because of his life of achievements; and we heard from the gentleman from Colorado what some of those achievements are: graduated Phi Beta Kappa from Columbia College, magna cum laude from Harvard Law School, unanimously stated to be well qualified, the highest rating from the American Bar Association, and then, yes, he worked at the Department of Justice for both Republican and Democrat Presidents and has been called "an extraordinary legal talent and generally compassionate," by President Clinton's Solicitor General.

□ 2000

What, then, is the real reason? What is the true reason that the body across the hall is using procedural measures to stop a vote? They do not even want him to have a vote. They do not want this gentleman to have the possibility to receive a vote, a public vote in front of the entire country, to let people decide in an open fashion whether they should vote up or down. Why is it then, if he is so qualified, why is it then, if the reasons du jour, the excuses du jour, are proven to be false, like the ones we just heard before, that the reason he cannot be a judge is because he has never been a judge before, yet there are five members of that same court that had never been a judge? That was never a problem for them. Why is it only a problem for this man?

They say, well, some documents have not been released. But there are seven individuals that have also come out of that same office who have become judges, and those documents were never asked of them. And in a bipartisan fashion, all living ex-Solicitors General have said, both Republicans and Democrats, that those papers cannot be released, and they have never been requested. Why is it then, that

only for this man, for this individual, these things are requested? And why is it then, that they are going to the most extraordinary means to use procedural measures to not even permit a vote, to not even permit a vote on one who would be the first Hispanic, the first Hispanic in the history of this noble country to reach that position?

I am honored tonight to also have the distinguished gentlewoman from the State of Michigan, and who comes here with an extensive public record from her State, who I will yield to at this time, Mr. Speaker.

Mrs. MILLER of Michigan. Mr. Speaker, I certainly thank and appreciate the gentleman from south Florida for yielding to me.

Mr. Speaker, I am a new Member of Congress, as I know my colleague is as well, and when I thought about what I wanted to do with the rest of my career, I thought about the idea of running for Congress; because I have watched, as I think so many Americans have watched, the political partisanship and the gridlock that has happened in our Nation's Capital. I am sure it has always been there, but it seems to have gotten worse over time. And what is happening to Miguel Estrada is a very vivid demonstration of political gridlock and it must be stopped. It has to be spoken out against, and I am here tonight to try to do so; at least to lend my voice to that as well.

How can we stop the political posturing, how can we break the gridlock? I think one of the charts that my good colleague from south Florida held up here tonight, he titled it "Diversity Held Hostage," has a very vivid demonstration of how long this nomination has been held up. The chart, with just a simple calendar, has the X's as the days and the days go by. The months are going by. Years now are going by on the Miguel Estrada nomination. In fact, President Bush nominated Miguel Estrada to the D.C. Circuit Court of Appeals in May of 2001. 2001. In May of 2001. Nearly 2 years later, Miguel Estrada has yet to be confirmed. I would say that this, by any reasonable standard, is quite outrageous. I believe that to be quite outrageous.

Miguel Estrada, as has been mentioned here tonight by many of my other colleagues, quite frankly is the American dream. We are a Nation of immigrants. I am first generation here, from Scotland. We are all immigrants. We are a Nation of immigrants. We are a Nation that reflects how to build the American dream, and he certainly represents the mainstream American values as well as mainstream American law. If we think about it, from his roots in Honduras, certainly his struggle as an immigrant who came here speaking very little English, Mr. Estrada has literally risen to the very top of the legal profession, of his chosen field, and now he is on the brink of making history in our Nation. If confirmed, Mr. Estrada would be the very

first Hispanic ever, ever to serve on the D.C. Circuit. Many consider this actually to be the second most important Federal court in America. Unfortunately, regrettably, his appointment has been held up, as we say, by the very smallest of causes. And that, I truly believe, sincerely believe, is simply political posturing.

Mr. Estrada should be confirmed because he is highly qualified to serve on the Federal bench, period. He has every possible qualification that would meet any reasonable standard. And let me just reiterate some many have been spoken about previously, but I think it bears speaking again. This is an individual who actually earned his law degree magna cum laud from Harvard Law School, and he did so at the same time he was serving as the editor of the Harvard Law Review. Five years after his graduation, he was clerking for the United States Supreme Court. He served as a clerk for the U.S. Supreme Court. He served as an assistant United States Solicitor General under both President Clinton as well as President George Bush. He has had experience in the Manhattan United States Attorney's office. He has practiced constitutional law extensively. He actually argued, and I find this fact really quite fascinating, he actually argued 15 cases before the Supreme Court before the age of 40. That is really quite remarkable. The American Bar Association has unanimously, unanimously being the operative phrase here, rated Mr. Estrada as well qualified, which is the very highest rating that anyone can possibly achieve. Some Senators actually refer to this as the gold standard. He has very strong bipartisan support. And, again, when we speak about how we break political gridlock, political posturing, he has very high bipartisan support.

Mr. Estrada, as I say, would be the first Hispanic judge on the U.S. Court of Appeals for the D.C. Court. So, of course, I am here speaking out in support of him. I do support the President's choice. But, fortunately, it is not just me or the President or the vast majority of Americans who support Mr. Estrada. In fact, there are a number of organizations who have spoken out very publicly in support of Mr. Estrada. And let me just read a couple of quotes, because I think they speak volumes to the background of this individual and why this nomination must proceed and proceed successfully.

These, again, are bipartisan, some of them through the media. This is what the President of the Latino Coalition said about Mr. Estrada. "To deny Latinos, the Nation's largest minority, the opportunity to have one of our own serve on this court in our Nation's Capital is unforgivable".

The chief of staff of former Vice President Al Gore had this to say about Mr. Estrada. "Miguel is a person of outstanding character, tremendous intellect, and with a deep commitment to the faithful application of precedent.

Miguel will rule justly toward all, without showing favor to any group or any individual."

And this from Seth Waxman, who was a former Solicitor General to President Clinton. "I have respect both for Mr. Estrada's intellect and for his integrity. In no way did I ever discern that the recommendations Mr. Estrada made or the views that he propounded were colored in any way by his personal views, or indeed that they reflected anything other than the long-term interests of the United States."

And one other quote as well. The president of the Hispanic National Bar Association said, "Mr. Estrada's confirmation will break new ground for Hispanics in the Judiciary."

Clearly, the support for Mr. Estrada lies on both sides of the aisle. He is a role model, and not only for Latinos; all Americans can look to this individual certainly as a role model. I believe holding up this confirmation process is completely unnecessary. I think we need to allow Mr. Estrada to make history. He is well deserving of it. I am not an attorney, never served as a judge, but I am married to a judge, and I am well familiar with the exhaustive background check that goes on before someone is selected to serve on the bench, whatever that bench is. And I also know what is fair. And what is happening here to Mr. Estrada is unfair. In fact, I believe it to be un-American, and I wanted to come here tonight to speak out about this.

As many of my colleagues did, I spent last week, while we were in recess, going around my district and holding town hall meetings, talking to people, and I was amazed on this particular issue how well versed people are. It has really, I believe, caught the attention of the average American because they see the unfairness of this. They see the persecution of this individual, and for no good reason. For absolutely no good reason.

Mr. MARIO DIAZ-BALART of Florida. If I may reclaim my time, Mr. Speaker, for just a moment. Let me ask the gentlewoman from the State of Michigan a question. Because one of the things I get back home a lot, and like my colleague mentioned, I am new to this process here in Washington, D.C., but one of the things I get a lot and I have heard for years is, well, people are just fed up with the double talk. They say, all that double talk up there in Washington. And certainly some people say one thing one day and something else a different day, and so they are fed up. That is one of the things that we all, I guess, and I am going to ask the gentlewoman if she has heard a lot of that in her years of public service also, during her campaign, and now that she is having public hearings.

I have seen some really interesting examples of that, which I have to admit have shocked me. Even having heard that all these years, upon arriving here I have seen some examples that have frankly shocked me. They

have been so blatant, frankly, it is to the point of being shocking. When, as the gentlewoman mentions, certain people say the standard, the ABA rating, is the gold standard, and then all of a sudden, oops, just kidding, never mind, not for Mr. Estrada. For everybody else, yes, but not for Mr. Estrada.

Then we have certain people, distinguished people, very well-respected people, people we see in the news all the time, and people that we see interviewed all the time who have stated that, for example, that they would fight tooth and nail against filibustering of any judicial nominee, any judicial nominee. And I have read this from the Senate record, that they have said I am opposed to any filibustering of any judicial nominee, whether I like the person or not, because they have the right to have a vote. And then, all of a sudden, that same individual is one of those leading the fight to do what, to filibuster Mr. Estrada's nomination. Not vote against him, but filibustering. Just a while ago he said that he would go to the extreme to stop a filibuster for any nomination, for any judicial nomination.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). The Chair would caution the gentleman to refrain from any improper references to the Senate or to individual Senators.

Mr. DIAZ-BALART. Mr. Speaker, I apologize. I do not think I mentioned it was a Senator, but I guess it is pretty well known.

But that double talk is really shocking to me. And we have heard it now, frankly, more than I really expected. I do not know if that is something that the gentlewoman has gotten back home as well, as to how extreme the double talk and double standards have been in the case of Mr. Miguel Estrada.

Mrs. MILLER of Michigan. Well, if I might comment on that, the gentleman used the term double, double standard, a double standard. It actually is no longer a double standard. It is not as though there is one standard here and there is another standard here. I think what is happening in this particular case is that they are raising the standard. They are raising the bar so that it could never be achieved by Mr. Estrada. They are going to raise the bar to make sure that there is under no set of circumstances that he will ever be able to rise up to the level that they are setting for this individual.

This is a question of basic fairness. And the American public, if they understand anything, they know what is fair. And they know what is happening to this individual, to this good man, with his background, is unfair.

□ 2015

This whole concept of filibustering, we are here in Washington, again we are new Members, we are trying to understand what all this filibustering means and what is the relevance of it and those kinds of things. What the

American people are saying at home is, give the man a vote. Vote up or vote no on his nomination. Vote yes or vote nay. But they are saying, give the man a vote. That is not happening. That is the kind of comment that I heard back in my town hall meetings.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MURPHY). The Chair would ask the gentlewoman to be careful about characterizing Senate action or urging Senate action.

Mrs. MILLER of Michigan. I appreciate that. I will try to exercise the proper decorum here. I am getting a little carried away with it.

Let me just close with one final comment. In one of my town hall meetings, I have five counties in my district, and in one of my counties there are seven county commissioners. One of the commissioners, I will not name his name, but he is a Hispanic gentleman, very well known, well respected in the community, has had an outstanding military background, well thought of by everyone. He and I spoke about this for quite a long time. He is of the opposite party of myself. But he did express his consternation. Again it came to an issue of basic fairness. Basically that is what he expressed to me. He said, if you have anything to say about this nomination at all, let the vote happen. Just let it happen. Let them vote yes or let them vote no. But it is a question of basic fairness.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair again reminds the gentlewoman.

Mr. MARIO DIAZ-BALART of Florida. That is a very interesting point, because there is bipartisan support for Mr. Estrada. In the Senate we keep hearing that he has more than enough votes, that if in fact these procedural steps are just not done and they allow an up or down vote, that the votes are there. But they just do not even want to allow for a vote. I want to get back to the gentlewoman from Michigan; but before I do so, we are also joined by the gentleman from Oklahoma. We just heard the passion from our dear friend from Michigan. She is passionate about it because of the injustice of what is happening to this fine individual. Again, he would be the first Hispanic in the history of this country, the first Hispanic American in the history of this country to reach that position, to be on such a prestigious court. His record is impeccable. Democrats and Republicans have stated that his record is impeccable. Those that worked for him have stated just about the quality and the talent and the integrity, the immense integrity of this human being. There has been nothing that they have been able to find negative in his record. Nothing. Absolutely nothing. Yet the bar, or the goal posts are continuously being moved by those that would oppose him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. I am trying to give the gentleman some lati-

tude, but to review this. Please refrain from remarks that characterize the Senate or call for action.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I will try to do so. I thank the Speaker for letting me know about that.

It is hard to believe why this is happening. It is hard to believe why this gentleman is being treated differently than others who have come before him. It is hard to understand why others who are equally qualified or less qualified have not had the problems in the process that Mr. Estrada has had. He has answered more questions than just about anybody. Because I have heard that one of the reasons is that, well, he has not answered enough questions. But he has answered over 125 questions from the esteemed Members of the other body. Other judges have answered many less.

One judge recently, of President Clinton's two nominees to the court, one answered three questions; the other answered, I believe, 20. Mr. Estrada answered 125 questions. Yet some will say, that is not enough. It was enough for others, but not for Mr. Estrada. I would like to know if the honorable Member from Oklahoma is as dismayed to see what is happening as are many of us who are watching this going on and are wondering what is the real reason, what is really behind this. It is not the reasons that they are stating, so what are the real reasons?

I yield, Mr. Speaker, to the gentleman from Oklahoma.

Mr. COLE. Mr. Speaker, I thank the gentleman for yielding. It is a great pleasure to be with my good friend, the distinguished Member from Florida. I did not come here with prepared remarks and certainly I do not pretend to be able to match the eloquence of my good friend, the gentlewoman from Michigan, or the gentleman from Colorado; but I came because I was compelled, listening to the debate and having watched the debate over many days, to express my solidarity and my sentiments about the great injustice that I feel is being done here.

This is the ultimate expression of politics over principle. And what kind of principles are at stake? The principle first of merit. There is no question about Miguel Estrada's merit. He is a jurist of outstanding quality and a lawyer of distinguished accomplishment, someone who Members of both parties have recognized for his individual brilliance. This is a triumph over the principle of diversity. It is a good thing in a diverse country to have a diverse bench, to have people of different backgrounds, with a common faith and belief in this country but representing different cultural and different racial and different ethnic traditions to occupy important positions.

It is the triumph of politics over the principle ultimately of fair play, the most fundamental American principle of all, the right to have a vote, the right to be heard, the right for a deci-

sion to be made. It is unfortunate. And it is the triumph of politics over the principle of bipartisanship, as my good friend from Florida has pointed out. There are Democrats and Republicans of good will, of differing philosophies, of differing points of view but united in their belief that Miguel Estrada is a person of outstanding integrity, of great ability and as deserving of the position to which the President has nominated him.

I reflect back, Mr. Speaker, on what might have happened had similar things occurred when Colin Powell was nominated for his position as a member of the Joint Chiefs of Staff, an action which takes approval, of what might have happened when our distinguished national security adviser was chosen for her respective position. Questions were not raised then about them, what their political philosophy might be, because they were people of outstanding character and outstanding ability. Their appointment to the posts which they both currently hold is an indication of respect on both sides of the aisle for their ability.

I think in this case again we are seeing an individual punished not on the basis of merit, not on the basis even of philosophy directly but on the off chance that he might be a conservative. Certainly he is not being punished simply because he is a Hispanic. I would hope not, and I would certainly expect not. I would not attribute that motive to any of those who oppose him. But there is a sort of subtle double standard here in terms of you have to be the right kind of Hispanic. You have to believe in the right set of principles in order to occupy a position of trust and responsibility in the United States. That is simply inappropriate.

As you know, Mr. Speaker, I have a Native American heritage. Many of the people in the tribe to which I belong are historically Democrat. But frankly they supported me because they thought I had the ability to represent their views and their point of view. That is in essence what is at stake here, whether or not we will discriminate or stand idly by and watch someone discriminated against simply because they hold a view which a minority of people think might be unpopular but which the majority in this country clearly support.

I want to thank the gentleman from Florida again for taking on this fight, for waging it so diligently and for mobilizing so much support on behalf of not just an individual but on behalf of the defense of fundamental American principles.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the distinguished gentleman from Oklahoma. As always, he has a way of really speaking with a lot of common sense. I want to thank the gentleman for that, for bringing some sense of reality to what sometimes can be a pretty crazy process.

Mr. Speaker, in my remaining time, I just want to really thank and commend Senator HATCH, Senator

SANTORUM, and many others on that side for standing up for the Constitution of the United States, for standing up for fairness.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is admonished to not mention individual Senators.

Mr. MARIO DIAZ-BALART of Florida. There are many who are standing up for the Constitution.

RECOGNIZING A NATIONAL DAY OF REMEMBRANCE TO INCREASE PUBLIC AWARENESS OF EVENTS SURROUNDING INTERNMENTS OF JAPANESE AMERICANS DURING WORLD WAR II

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from California (Mr. HONDA) is recognized for 60 minutes.

Mr. HONDA. Before I get started, let me just compliment the gentleman from Pennsylvania for his patience in being here this evening. I appreciate your presence, Mr. Speaker.

Mr. Speaker, I rise today to discuss House Resolution 56, a resolution I introduced earlier this month. This is a resolution supporting the goals of the Japanese American community and recognizing a national day of remembrance to increase the public awareness of the events surrounding the restriction, exclusion, and the internments of individuals and families during World War II.

Let us be clear about this. In 1942, more than 120,000 people were rounded up in this country, primarily from the west coast, and incarcerated. Families were torn apart. Hardworking people had to sell their businesses for pennies on the dollar. Everything these people worked so hard for evaporated overnight. I spent part of my childhood in a camp in southeast Colorado, an internment camp called Amache. House Resolution 56 also recognizes that some in the German and the Italian communities experienced deprivation during this period as well.

This resolution has been referred to the Committee on the Judiciary and has currently over 60 cosponsors. This year marks the 61st anniversary of President Franklin D. Roosevelt's signing of executive order 9066 on February 19, 1942; and it is the 15th anniversary of the Civil Liberties Act of 1988 signed by President Reagan.

The day of remembrance is as important now as it has ever been. We are again living in perilous times. Our country is at war against terrorism. We may soon be at war with Iraq. The history of World War II demonstrated that our Constitution is tested in times of trauma, tension, and turmoil. In 1942, our political leaders failed. Therefore, today we must work to educate the public about the internment of Americans today in order to prevent similar injustices to be forced upon other Americans. Our civil liberties

have not been in as much risk since World War II, and this time we as political leaders cannot fail.

Many might be aware of the comments made by one of our colleagues earlier this month on a live radio call-in show. Our colleague said that he agreed that President Roosevelt's decision to sign executive order 9066 was appropriate. He said, with the information the President had at the time, he made the best decision he could. He also stated that the incarceration of Japanese Americans was for their own safety. In addition, statements were further made that some Japanese Americans during World War II were probably intent on doing us harm just as some Arab Americans are probably intent on doing harm to us today. Such statements are inaccurate and simply wrong. As my father always said to me when I was a child, if we were put in camps for our own protection, then why were we the ones behind barbed wires and why were the machine guns pointed inwards toward us?

□ 2030

Furthermore, such statements from a government official are disturbing and dangerous, as they appear to endorse a policy of racial and ethnic profiling that has long been discredited. Saying that the internment of Japanese Americans was appropriate is simply unacceptable and factually inseparable.

One of the most concise rebuttals that I have read to the notion that Japanese Americans were placed in camps because they either posed a threat to national security or for their own safety comes from a law professor, Eric Muller, of the University of North Carolina at Chapel Hill in a letter dated February 7, 2003. And I would like to, Mr. Speaker, submit this letter into the record at this point without reading its full content. However, most importantly though, we must remember that the Commission on Wartime Relocation found that it was not a military necessity that the Japanese American community be rounded up from the west coast, but it was rather based upon race prejudice, war hysteria, and a failure, and I will repeat, a failure of political leadership. This was probably the largest single act of racial and ethnic profiling conducted by our government in modern times.

True to the democratic process, however, our Nation has been able to look back and admit errors from its past. I can think of no greater evidence to show why the United States, with all its flaws, still is looked to worldwide as the Nation with the strongest and fairest form of government. By admitting that the government did wrong in its treatment of its citizens and legal residents who were aliens during World War II, Congress and the President reaffirmed our Nation's commitment to the principles founded in the Constitution. However, we must always be vigilant in the protection of our civil lib-

erties, and in this time of tension as we wage a war against terrorism, we must again reaffirm our commitment to the principles in the Constitution. While national security is always a paramount concern for those of us making the laws as well as executing and interpreting the laws, we see that there are those in government who continue to pursue policies once again that target our civil liberties.

I find it disturbing that none of my colleagues on the other side of the aisle have come out against the statements of this gentleman from North Carolina. But now more than ever, we must strive to balance our cherished civil liberties with the need to protect our homeland. Finding this balance is the enduring lesson that the Day of Remembrance resolution teaches and the lesson that cannot be lost on our Nation's policy makers and our citizens.

Mr. Speaker, I yield to the gentleman from Hawaii (Mr. CASE) who represents probably a good portion of the population not only in the mainland, the U.S., but also in Hawaii.

Mr. CASE. Mr. Speaker, I thank the gentleman from California for yielding, and I bid him and my colleagues here in the House a very fond aloha from my home State of Hawaii.

As the gentleman has noted, my home State of Hawaii is a State that has a tremendous representation of people of Asian descent. Pacific islanders and Asians make up more than 50 percent of the composition of my State. So in areas of ethnic issues, we are particularly sensitive for both our history and for our modern day; and my State is a State that is very proud of many things, many things about it, from our fantastic environment which so many people have enjoyed, to our native Hawaiian culture which has brought really to the world a spirit of aloha, a spirit of how to live together in harmony with both nature and with each other.

But I think the one thing that we are the most proud of in Hawaii and certainly that I am the most proud of in Hawaii, as somebody whose family goes back for four generations there, is our multiethnic tradition. We are again easily the most diverse ethnic composition of any State in the entire country. No ethnic group of the many that we have in Hawaii has a majority. The highest ethnic group in Hawaii has only about 26, 27 percent; the second highest, 24, 25 percent. So we are very conscious of our relationships with each other from an ethnic perspective, a State where over 50 percent now of all marriages are multiethnic marriages; over 50 percent of all births are multiethnic births, including my own children who carry the blood of eight separate ethnic groups in their own veins and carry it without anybody giving any thought to it whatsoever; and where Americans of Japanese ancestry have long been a very significant minority in our history.

So for all of us in Hawaii, all of us, whether we are of Japanese ancestry or